THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.13489 of 2006

DATED: 04.07.2006

Between:

P.Ravi .. PETITIONER

Versus

The Superintending Engineer (P.R.)
Rural Water Supply Circle, Kadapa
and another. .. RESPONDENTS

WRIT PETITION NO.13489 of 2006

ORDER:

Heard both the learned counsel.

2. The Writ Petition is filed praying for a Writ of Mandamus declaring the action of the respondents in not taking further action as per the Memo issued by the 1st respondent in Memo No.1516/Rep./AEE1/2004, dated 10.9.2004 for payment of E.M.D. and other deductions made from the petitioner's bills of RWS works by the respondents as illegal, unjust, arbitrary, discriminative and against Articles 14 and 300-A of the Constitution of India and consequently direct the respondents to take further action as per the Memo issued by the 1st respondent in Memo No.1516/Rep./AEE1/2004, dated 10.9.2004 for payment of E.M.D. and other deductions made from the petitioner's bills of RWS works by the respondents and pass such other suitable orders.

3. It is stated that the petitioner executed several works under RWS Scheme from 1993 to 1999. It is also stated that the 1st respondent in his

Memo No.1516/Rep./AEE1/2004, dated 10.9.2004 directed the Executive Engineer, RWS, Rajampet to look into the matter personally and settle the bills. Accordingly the Executive Engineer, RWS Division, Rajampet in his letter No.A1/PD Acct./Deposits/04, had transferred all the deposits such as EMD and further security deposits and other records to the 2nd respondent. It is also stated that on 31.3.2006 the petitioner got issued a legal notice to the Executive Engineer, RWS Division, Rajampet. The Executive Engineer, RWS

Division, Rajampet, transferred stating that the works were done before establishment of the Division on 24.4.2006. It is also stated that on 5.5.2006 the petitioner again got issued a legal notice to the Executive Engineer, RWS Division, 2nd respondent. Despite several notices since no action had been taken, the writ petitioner had approached this Court.

4. In the facts and circumstances of the case, since it is stated that on 5.5.2006 a legal notice had been issued, the same to be treated as representation and the 2nd respondent to dispose of the said representation in accordance with law within a period of four (04) weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

04.07.2006

SSR